

REMARKS

Claims 1-17 stand rejected. Claims 1, 3, 4, and 13-15 have been amended, claims 8-12 have been canceled without prejudice to consideration in a continuing application, and claims 18-21 have been added to further define inventive aspects of the present application. After entry of these amendments, the total number of claims remains less than 20 and the number of claims of independent form remains less than 4. Thus, it is believed that no further claim fees are due at this time. Reconsideration of the present application as amended is respectfully requested.

Claims 1-17 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,978,467 to Walker et al. ("Walker"). The Applicant respectfully traverses. As an initial matter, it is noted that the Walker reference is of a type that can be overcome under the procedures of 37 CFR §1.131, and the Applicant reserves the right to do so. Even assuming *arguendo* that the Walker reference is properly applicable as prior art, the claims are believed to be patentable for at least the following reasons.

The present application teaches that an ^{IVR}interactive voice response unit is not used to prompt a caller to provide information unless an agent is determined to be unavailable. While the conditional language of each of the original independent claims of the present application was directed to such features, the accompanying amendments have been made to further clarify. In contrast, the Walker reference utilizes IVRU 14 to query about the subject matter of the call even before agent availability is determined. In pertinent part, the Walker reference states:

Referring to the flow diagram of FIG. 7, the procedure employed by the invention will be described. Initially, a caller places a call to a customer service provider (box 100). The incoming caller's telephone number is detected by an automatic

(box 100). The incoming caller's telephone number is detected by an automatic number identification (ANI) facility. In response to voice prompts from IVRU 14, and in conjunction with control commands from ACD 12, PBX 10 then inputs information regarding the call to ACD 12 (box 102). One such piece of information may be the subject matter of the call. For instance, IVRU 14 may provide a series of subjects to the caller, and ask the caller to respond by depressing a specified key to identify a particular subject (e.g. "press 1 for printer problems, press 2 for modem problems").

Once the call information has been entered by ACD 12 into call database 36, the system determines whether an appropriate agent is available (decision box 104). If so, the call is routed to the agent's phone and the information associated with the call is transmitted to the agent's terminal (box 106). If no agent is available, the call is placed in the holding queue (box 108).

Walker, col. 5, lines 47 - 66. The balance of the Walker reference either implies the collection of call subject matter data before determining agent availability or is silent as to determining agent availability before call subject matter is collected with IVRU 14 or otherwise.

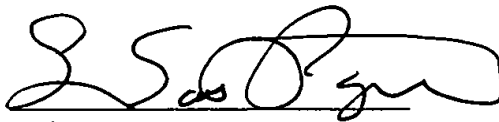
Other features not disclosed, taught or suggested by the Walker reference include the provision of multiple "nested" menus to provide the caller access to the information sought as defined, for example, in claims 4 and 14. In a further example, the Walker reference fails to disclose, teach, or suggest an ACD and IVR integrated together within a telephony server as defined in claim 13.

New independent claim 18 is also not disclosed, taught or suggested by the references of record. New claims 19-21 depend from claim 18 further defining inventive aspects of the

present application.

Accordingly, Applicant believes that claims 1-7 and 13-21 are in condition for allowance. Reconsideration of the present application as amended is respectfully requested. The Examiner is encouraged to contact the undersigned by telephone to address any outstanding matters concerning the present application.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'L. Scott Paynter', written over a horizontal line.

L. Scott Paynter
Reg. No. 39,797
Woodard, Emhardt, Moriarty,
McNett & Henry
Bank One Center Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456